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2 **Proposed Changes to Title 14 CCR California Forest Practice Rules**

3 **Lake Tahoe Region Exemption, 2006**

4 **(45 Day Notice Published January 20, 2006)**

5
6 **Amend 14 CCR 895, 895.1, 1038, and 1038 (f)**

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8 **895. Abbreviations Applicable Throughout Chapter.**

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10 **TRPA** Tahoe Regional Planning Agency

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12 Note: Authority cited: Sections 4551, 4551.5 and 21082, Public
13 Resources Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522,
14 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5,
4528, 4551, 4551.5, 4552, 4582 and 21080.5, Public Resources Code.

15 **895.1. Definitions.**

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17 **Lake Tahoe Region** means those portions of Placer and El Dorado
18 Counties lying with the authority of the Tahoe Regional Planning
19 Agency.

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21 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,
22 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.
23 Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,
24 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and
21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed
following Section 15387 of Title 14 Cal. Code of Regulations), and
Laupheimer v. State (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

1 **1038. Exemption.**

2 Persons who conduct the following types of timber operations, listed
3 as (a)through (i) below, are exempt from the plan preparation and
4 submission requirements (PRC 4581) and from the completion report and
5 stocking report requirements (PRC 4585 and 4587) of the Act except no
6 tree that existed before 1800 A.D and is greater than sixty (60)
7 inches in diameter at stump height for Sierra or Coastal Redwoods, and
8 forty-eight (48) inches in diameter at stump height for all other tree
9 species shall be harvested unless done so under the conditions or
10 criteria set forth in subsection 1038 (h)+. All timber operations
11 conducted in the Lake Tahoe Region under Notice of Exemption must have
12 a valid Tahoe Basin Tree Removal Permit (as defined by the Tahoe
13 Regional Planning Agency, TRPA) or conducted under a valid TRPA
14 Memorandum of Understanding.

15
16 (a) Harvesting Christmas trees.

17 (b) Harvesting dead,*****

18 (f) (OPTION 1.1)On parcels of 20 acres or less in size within the
19 Lake Tahoe Basin, that are not part of a larger parcel of land in the
20 same ownership, the removal of live trees in a watercourse and lake
21 protection zone (WLPZ), as defined in 14 CCR 956.4(b), used for
22 fuelwood or other minor forest products, and dead or dying
23 trees,(regardless of the definition of "dying trees" in section 895.1,
24 dying means: will be dead within 1 year, based on the judgement of an
25 RPF)~~trees~~ as marked by an RPF and for which a Tahoe Basin Tree Removal

1 Permit has been issued, when the following conditions are met:

2 (f) (OPTION 2.1) ~~On parcels of 20 acres or less in size within the~~
3 ~~Lake Tahoe Basin, that are not part of a larger parcel of land in the~~
4 ~~same ownership, the removal of dead or dying, (regardless of the~~
5 ~~definition of "dying trees" in section 895.1, dying means: will be~~
6 ~~dead within 1 year, based on the judgement of an RPF) trees as marked~~
7 ~~by an RPF and for which a Tahoe Basin Tree Removal Permit has been~~
8 ~~issued, when the following conditions are met:~~ All timber operations
9 conducted in the Lake Tahoe Region that are exempt activities
10 authorized under PRC 4584 sections (b), (c), (f), (j), and (k) shall
11 comply with the following conditions and must have a valid Tahoe Basin
12 Tree Removal Permit (as defined by the Tahoe Regional Planning Agency,
13 TRPA) or conducted under a valid TRPA Memorandum of Understanding.

14 (1) Tree removal on high erosion hazard lands (Bailey's
15 Land Capability Districts 1a, 1c, or 2 per Land Capability
16 Classification of the Lake Tahoe Basin, California-Nevada: A Guide
17 for Planning by R.G. Bailey, USDA Forest Service, 1974) shall only be
18 conducted using the following methods: helicopter, over-snow where no
19 soil disturbance occurs, hand carry, and use of existing roads.

20 (2) Tree removal in Stream Environment Zones ("SEZs",
21 Bailey's Land Capability District 1b) and within the standard width of
22 a WLPZ, shall be permitted as in the preceding section (f)(1). End-
23 lining may also be used provided that soils are dry, all heavy
24 equipment remains outside the SEZ or WLPZ, and site conditions are
25 such that soils or vegetation will not be adversely affected and a

1 discharge of earthen materials to surface waters, SEZs, or 100-year
2 floodplains will not occur. Other low-impact tree removal methods may
3 be used in SEZs and WLPZs if approved by the Lahontan Regional Water
4 Quality Control Board (RWQCB) and when a Tahoe Basin Tree Removal
5 Permit is issued prior to submittal of the exemption notice to the
6 Department. Certification of approval by the RWQCB and TRPA shall be
7 provided with the exemption notice to the Department. Low-impact tree
8 removal methods means the use of techniques for vegetation management
9 (including tree removal) and harvesting that are designed so as to
10 minimize impacts to the soils and vegetation. Such techniques should
11 be able to operate in a manner that minimizes disruption of the soil
12 surface (soil detachment), soil compaction, and damage to vegetation.
13 Depending on the specific site conditions (e.g. soil type, soil
14 conditions, slopes) and the method of operation, the use of low-ground
15 pressure logging equipment, including but not limited to, certain
16 harvesters and forwarders, may qualify.

17 **(3)** No tractor or heavy equipment (ground-based)
18 operations on slopes greater than 30% except during over-snow
19 operations that result in no soil disturbance.

20 **(4)** No heavy equipment operations during the winter
21 period, or within a SEZ or the standard width of a watercourse or lake
22 protection zone (WLPZ), as defined in 14 CCR 956.4(b), except for
23 over-snow operations that result in no soil disturbance, use or
24 maintenance of existing roads, maintenance of drainage facilities or
25 structures, use of low-impact tree removal methods approved pursuant

1 to (f)(2) above, or use of skid crossings approved pursuant to (f)(9)
2 below.

3 (5) No new road construction or reconstruction, as defined
4 in 14 CCR 895.1.

5 (6) No tractor or heavy equipment operations on known
6 slides or unstable areas.

7 (7) (OPTION 1.2) ~~No timber harvesting within the standard~~
8 ~~width of a watercourse or lake protection zone, as defined in 14 CCR~~
9 ~~956.4(b), except sanitation salvage harvesting, as defined in 14 CCR~~
10 ~~953.3, where immediately after completion of operations, the area~~
11 ~~shall meet the stocking standards of 14 CCR 952.7(b)(2), or, except~~
12 ~~the removal of dead or dying trees where consistent with 14 CCR 956.4~~
13 ~~(b).~~ All cutting or removal of live trees or other live vegetation
14 from within the standard width of a WLPZ shall meet the WLPZ standards
15 of the Forest Practice Act and District Forest Practice Rules
16 applicable to Timber Harvesting Plans. Trees to be harvested shall be
17 marked by, or under the supervision of, an RPF prior to timber
18 operations. Any cutting or removal of live trees or other live
19 vegetation from within SEZs or WLPZs shall require a Tahoe Basin Tree
20 Removal Permit and be certified in writing by staff of the RWQCB as
21 complying with the soil protection and vegetation retention
22 requirements of the RWQCB's Basin Plan prior to submittal of the
23 exemption notice to the Department.

24 (7) (OPTION 2.2) ~~No timber harvesting within the standard~~
25 ~~width of a watercourse or lake protection zone, as defined in 14 CCR~~

1 ~~956.4(b), except sanitation salvage harvesting, as defined in 14 CCR~~
2 ~~953.3, where immediately after completion of operations, the area~~
3 ~~shall meet the stocking standards of 14 CCR 952.7(b)(2), or, except~~
4 ~~the removal of dead or dying trees where consistent with 14 CCR 956.4~~
5 ~~(b).~~ All cutting or removal of live trees, dead trees or other live
6 and dead vegetation from within the standard width of a WLPZ shall
7 meet the WLPZ standards of the Forest Practice Act and District Forest
8 Practice Rules applicable to Timber Harvesting Plans. Trees to be
9 harvested shall be marked by, or under the supervision of, an RPF
10 prior to timber operations. Any cutting or removal of live trees or
11 other live vegetation from within SEZs or WLPZs shall require a Tahoe
12 Basin Tree Removal Permit and be certified in writing by staff of the
13 RWQCB as complying with the soil protection and vegetation retention
14 requirements of the RWQCB's Basin Plan prior to submittal of the
15 exemption notice to the Department.

16 (8) All Class III watercourses shall have at least a 25-
17 foot WLPZ.

18 (9) No watercourse crossings of Class I or Class II
19 watercourses except on existing bridges or existing culvert crossings.
20 Any and all crossings proposed for Class III or Class IV watercourses
21 shall be approved by staff of the ~~Regional Water Quality Control Board~~
22 ~~(RWQCB)~~ and TRPA prior to operations.

23 (10) No known sites of rare, threatened or endangered
24 plants or animals will be disturbed, threatened or damaged.

25 (11) No timber operations within the buffer zone of a

sensitive species, as defined in 14 CCR 895.1.

(12) No timber operations on significant historical or archaeological sites. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(13) The landowner shall allow access to the property for inspections by staff of the RWQCB and TRPA.

(14) A person shall comply with all operational provisions of the Forest Practice Act and District Forest Rules applicable to "Timber Harvest Plan", "THP", and "plan".

(OPTION 2.3 includes subsections (15) through (17))

(15) Operations conducted in the Lake Tahoe Region in compliance with PRC 4584(j) shall comply with requirements listed in section 14 CCR 1038(c) (1) through (4), in addition to those in 14 CCR 1038(f).

(16) Operations conducted in the Lake Tahoe Region for the purpose of removing unmerchantable dead trees in amounts greater than 10% of the volume per acre from substantially damaged timberlands shall comply with 14 CCR 1038(d) (2) through (5), in addition to those in 14 CCR 1038(f).

(17) Operations conducted in the Lake Tahoe Region for the purpose of implementing PRC 4584 (k), known as the Forest Fire Prevention Act, shall comply with 14 CCR 1038(i) (1), (2), (4), (5), (5A), (6), (7), (8), (8A), (9), (10), (11), (12), and (14)), in addition to those in 14 CCR 1038(f).

1 (g) The removal *****

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3 Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources
4 Code. Reference: Sections 4516, 4527 and 4584, Public Resources Code;
5 and EPIC v. California Department of Forestry and Fire Protection and
6 Board of Forestry (1996) 43 Cal. App.4th 1011.

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